

COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 16/02449/FUL
Application at: Land to Rear Of 49 Osbaldwick Village, Osbaldwick, York
For: Variation of condition 2 of permitted application
15/00808/FUL to include a single storey rear extension,
alteration of a window to a pair of French doors, insertion of
additional roof lights, alterations to rear dormer and
alterations to other windows.
By: Mr K Linfoot
Application Type: Full Application
Target Date: 8 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is to vary condition 2 of planning permission 15/00808/FUL for the conversion of a redundant agricultural barn to a 3-bedroom single dwellinghouse. The approved scheme includes new door and window openings and the enlargement of an existing lean-to front projection. Access would remain as existing. Permitted development rights have been removed in order to protect the character and appearance of the conservation area and the amenity of adjacent residents.

1.2 The alterations now proposed mainly comprise:

- Addition of a lean-to single-storey extension on the eastern elevation to provide a WC and utility room;
- Addition of three roof lights;
- Alterations (including lowering and enlargement) of an approved dormer window at first-floor level on the northern elevation;
- Provision of French windows at ground-floor level on the northern elevation to replace an approved top hung sash window;
- Rearrangement of ground floor windows on the eastern elevation.

1.3 The application has been called in by Cllr Warters on the grounds that the previous approval was granted only on the existing footprint of the barn and that permitted development rights were removed to protect the character of Osbaldwick Conservation Area; there are no circumstances for the rationale behind the reasons for original approval to be compromised.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Common Land and Village Greens: VG 70 - Osbaldwick Village Green
Conservation Area: Osbaldwick

2.2 Policies:

CYGP1 - Design
CYHE2 - Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Archaeology)

3.1 This site lies within the backplots of Osbaldwick medieval village. Excavations for foundations and service connections may reveal or disturb archaeological features. A watching brief condition (ARCH2) to record any revealed features and deposits was applied to the previous application for this site and will be necessary again for this application. The watching brief report should include photographs of the barn prior to conversion.

EXTERNAL

Osbaldwick Parish Council

3.2 Objection. The proposed addition and the use of French doors are not sympathetic to the original structure and if permitted would invite further minor amendment applications of an equally damaging nature. No storage of building materials or parking of contractors' vehicles or machinery will be permitted on Osbaldwick village green.

Foss Internal Drainage Board

3.3 The development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. The proposed increase in the floor area is modest and would, in itself, have a limited impact on surface water run-off. No objection subject to a condition requiring drainage details to be submitted for approval.

Neighbour Notification and Publicity

3.4 One objection has been received from an occupier immediately to the east of the site who is concerned that the dormer window should be glazed with frosted glass to protect their privacy.

3.5 One letter of support/non-objection has been received from an adjacent occupier.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the conservation area
- Neighbour amenity

THE APPLICATION SITE

4.2 Part 2-storey, part single-storey brick and pantile barn to the rear of houses fronting onto Osbaldwick Village. The site lies within the settlement limit of York and is within Osbaldwick Conservation Area. Access is via a shared private drive between nos. 47 and 49 Osbaldwick Village. The barn lies within a group of formerly agricultural buildings that have been converted to residential use.

POLICY CONTEXT

4.3 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt (the application site is not in the Green belt).

4.4 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The site is in a conservation area so the presumption in favour of development (paragraph 14) does not apply.

4.5 The NPPF requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership, create sustainable, communities, protect heritage assets, secure high quality design and conserve and enhance biodiversity.

4.6 In addition to policies in the Framework to protect heritage assets the Local Planning Authority has a statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. When deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the decision-maker must give significant weight to the desirability of avoiding such harm.

4.7 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF.

IMPACT ON THE CONSERVATION AREA

4.8 Policy GP1 of the 2005 Draft Local Plan states that development proposals will be expected to respect or enhance the local environment and, among other things, be of a layout and design that is compatible with neighbouring buildings, spaces and vegetation. Policy HE2 states that within conservation areas development proposals must, among other things, respect adjacent buildings open spaces and settings and have regard to local scale, proportion, design and materials. The building lies approximately 50m from the public highway at Osbaldwick Village but glimpses can be had between the adjacent houses. Despite the building's inconspicuous location it contributes to the character and appearance of the village and the conservation area. The approved conversion and alterations would mainly be carried out within the existing fabric of the building and would be sympathetic to the original structure.

4.9 The differences between the approved scheme and the current proposals are minor and would be mainly confined to the rear of the building. The main changes are the addition of the WC/utility room, the alterations to the approved dormer window and the insertion of French windows on the rear elevation. None of these changes would harm the character and appearance of the conservation area or be visible from any part of the public domain. The application therefore complies with policy HE2 of the 2005 local plan.

NEIGHBOUR AMENITY

4.10 The proposed French windows would be north-facing so would not overlook neighbouring properties. The west-facing roof plane would have one new small roof light (to an en-suite) facing the rear elevations of houses in Yew Tree Mews. A

condition should be attached requiring the window to be obscure-glazed and fixed shut below eye height. The east-facing roof plane would have three upper-floor roof lights facing the rear garden of the house at No.53 Osbaldwick Village. The separation distance and intervening foliage would prevent significant overlooking of the neighbouring occupiers. An adjacent occupier to the east is concerned that the sides of the dormer window would be clear-glazed and would allow overlooking. The submitted plans show the sides of the dormer as being clad in painted timber. Irrespective of the materials used the separation distance, oblique angle, restricted viewpoint and intervening foliage would prevent significant overlooking. The application therefore complies with policy GP1 of the 2005 local plan.

OTHER MATTERS

4.11 The Parish Council states that the storage of building materials or the parking of contractors' vehicles or machinery would not be permitted on Osbaldwick village green. In response, Class A of Part 4 of the General Permitted Development Order allows land to be used temporarily in connection with construction being carried out on adjoining land. Parking of contractors' vehicles or storage of materials on the village green would therefore be a matter for the respective owners. Irrespective of permitted development rights there appears to be sufficient land within the site to accommodate construction vehicles and materials.

4.12 The proposed amendments raise no other material planning issues.

5.0 CONCLUSION

5.1 The differences between the approved scheme and the current proposals are minor and would be mainly confined to the rear of the building. None of the changes would harm the character and appearance of the conservation area or have any significant impact on neighbouring occupiers. There are no other material planning issues. The application complies with the National Planning Policy Framework and relevant policies of the 2005 City of York Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 The development shall be begun not later than 4 November 2018.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out only in accordance with approved drawings KWL-093-05-01, KWL-093-05-02, KWL-093-05-03 and KWL-093-05-05.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 HWAY19 Car and cycle parking laid out

4 DRAIN1 Drainage details to be agreed

5 Any upper-floor windows or roof lights on the western elevation of the house shall be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at Yew Tree Mews.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) development of the type described in Classes A, B, C, D or E of Schedule 2, Part 1 of that Order shall not be erected or constructed unless permission has first been granted by the local planning authority.

Reason: In the interests of protecting the character and appearance of the conservation area and the amenity of adjacent residents the local planning authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 Details of the type, materials and finish of the fenestration (including roof lights) and external openings to be used shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. Fenestration and external openings shall be of timber construction. Windows shall have the same form, proportions and method of opening as sliding sash windows. Roof lights shall have a central vertical glazing bar, a black-coloured finish and shall be inserted flush with the outer face of the roof slope. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area.

8 VISQ8 Samples of exterior materials to be app

9 Details of any roof vents shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. Roof vents shall not be placed on the south facing roof slope. The development shall be carried out in accordance with these approved details.

Reason: To ensure that the finished appearance is in keeping with the building and location to the satisfaction of the Local Planning Authority.

10 Notwithstanding the details submitted with application, details of the type, materials and finish of the flue to be used shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with these approved details.

Reason: In the interests of the character and appearance of the conservation area.

11 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The development may affect important archaeological deposits which must be recorded during the construction programme.

12 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and took account of all relevant local policies. The planning authority considers the proposal to be satisfactory subject to appropriate planning conditions being applied. For this reason, no amendments were sought during the processing of the application.

2. DEMOLITION AND CONSTRUCTION

a) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Parts 1 and 2: 2009, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

c) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

d) All plant and machinery to be operated shall be sited and maintained so as to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

e) There shall be no bonfires on the site.

3. PROTECTED SPECIES

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2010). Because of their protected status, if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities for the development to enhance the building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia

(see http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html for more information).

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